



ATTORNEY DOCKET NO. 114596-03-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/385,394 Confirmation No.: unassigned
Applicant: John S. Yates, Jr., et al.
Title: COMPUTER WITH TWO EXECUTION MODES
Filed: August 30, 1999 Art Unit: 2183
Atty. Docket: 114596-03-4000 Examiner: Richard Ellis

**CONDITIONAL PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. § 1.136(b) AND IN THE ALTERNATIVE 1.136(a)**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant petitions for an extension of time to file an Appeal Brief. The Notice of Appeal was filed on 4/25/2005, and received by the Office on 4/28/2005. Thus, with full five months of extension of time, today November 28, 2005 is the last possible date on which to file an Appeal Brief.

I. Petition Pursuant to 37 C.F.R. § 1.136(b)

37 C.F.R. § 1.136(b) provides as follows:

(b) When a reply cannot be filed within the time period set for such reply and the provisions of paragraph (a) of this section are not available, the period for reply will be extended only for sufficient cause and for a reasonable time specified. Any request for an extension of time under this paragraph must be filed on or before the day on which such reply is due, but the mere filing of such a request will not affect any extension under this paragraph. In no situation can any extension carry the date on which reply is due beyond the maximum time period set by statute. ... Any request under this section must be accompanied by the petition fee set forth in § 1.17(g).

The Petition for Extension of Time should be granted because the PTO, through failure to observe written procedures and binding law, has created a situation in which proper adjudication

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I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on November 28, 2005 as First Class Mail in an envelope with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Tim E. Brady